



## NRULPC Newsletter Vol. 6, No. 2

*June 23, 2023*

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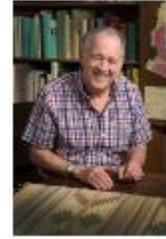
### Co-Directors' Message

Greetings,

The Spring semester ended well for the NRULPC! In this issue of the newsletter, we have an updates on the *Natural Resource Use and Management Clinic* and the *Agriculture Environmental Legal Issues Course*. The NRULPC Advisory Board meeting was held May 26<sup>th</sup> and we provide a summary. We have some new blog posts, so be sure to check those out. Lastly, a new Regulatory Roundup will be out at the end of the month and will be shared on the listserv.

We wish you a sunny and relaxing summer!

George and John,  
Co-Directors



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## Clinic Update

*Priya Sundareshan*

It was good to see many of you at the May 26 Advisory Board meeting. For those of you we missed, here's a short update from the Natural Resource Use & Management Clinic. Three JD students enrolled in the clinic for Spring 2023, all of whom were continuing students from the Fall semester. I was on partial leave this semester for other duties which turned out to be very intensive, so I give MANY thanks to our Clinic Law Fellow Nathan Dunn and Assistant Director Jennifer Wendel for stepping in the gap to teach class and supervise our clinic students.



For their main clinic projects, the students each researched and wrote on a variety of topics. One project output was a memorandum summarizing California groundwater law and the application of drought emergency regulations. Another student reviewed federal reserved water rights and the potential overlap of Wild and Scenic River designations. Finally, one student continued her work from the Fall semester in learning to be a community lawyer for a Pinal farming community and anticipating potential arguments they could present against adjacent industrial expansion. Each of the students also wrote a blog post for the [Western Lands blog](#) – if you haven't yet read them, go check them out!

Planning for the Fall semester, we accepted 8 JD students into the Clinic. This is the highest number of students we have ever accepted, reflecting our increased capacity of staff to supervise them. As the summer progresses, we will plan and evaluate ideas for Clinic matters that can be appropriate projects for the

students. Please send any suggestions as well as contacts among your networks for potential internships for the students.

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## Class Update

*Anne Gondor*



The Agricultural and Environmental Legal Issues (ACBS-LAW-RNR 411) course was taught again by Joe Willis and Anne Gondor. Enrollment was increased to 30 students for In Person Spring 2023 (28 successfully completed). There were 8 College of Law students (however, only 2 registered under the LAW section), 18 College of Ag students – Veterinary/Animal Sciences (10), Agribusiness (1), Nutrition and Food Systems (7), one from the Eller College of Management, and one Chemistry major. Students came from all across the country from Michigan, New Hampshire, Texas, California, Maryland, ten communities across Arizona as well as Japan and China.

This year the course D2L delivery webpages were upgraded to meet the [Quality Matters standards](#). In addition it has been proposed to be added as curriculum for a new undergrad major [BA in Geosciences and Society](#).

We had 17 guest speakers from the NRULPC board (5) and industry professionals (12) with expertise in the regulatory topics covered in the course such as, water law, food safety, farm bill, endangered species, NEPA, CERCLA, conservation easements and the business of ranching. Many thanks to all the board members and other guest speakers who gave presentations to our class, the students greatly benefit from your expertise.

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### [Regulatory Roundup](#)

Time sensitive policy and legislative information. Issue 9, due out June 30, 2023, highlights the latest regulatory tracking changes for NEPA, WOTUS, and latest Department of Interior rulemaking.

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## NRULPC Spring Advisory Board Meeting - Summary

The Spring NRULPC Advisory Board (AB) meeting was held at the historic Mountain Oyster Club in Tucson on May 26<sup>th</sup>. Board members attended in-person and remotely via Zoom. George Ruyle and John Lacy covered NRULPC reviewed objectives of the Center including a newly revised objective of *Increase the law, policy, and economic analysis capacity of Cooperative Extension* by working with UA Agricultural and Resource Economics (AREC) personal. Highlights of larger projects that are either ongoing or starting in the near future include 1) *Analysis of solar array development on rangelands*, 2) *Economic impacts of the Telegraph fire* in the Globe/Miami area (joint project with AREC) and 3) *Alternatives for irrigation districts with Central Arizona Project (CAP) water allocation reduction*.

Priya Sundareshan covered the clinic happenings with appreciation to Nathan Dunn, Fellow and Jennifer Wendel, Director of the Water Adjudication for all their work with the clinic while Priya was on partial leave serving in the Arizona legislature. Three returning students worked on individual projects 1) providing advice to a farming community working against some industrial expansion, 2) Review of California groundwater regulations which has carved out a human health and safety exception which can operate in a drought, and 3) Analysis of Federal reserved water rights in particular to national forest designation (how reservation of water rights intersects with the wild and scenic designation). Fall 2023 is looking very busy with eight JD students (largest number of students). Priya will work over the summer to identify potential projects. Jennifer Wendel was hired in December as the Director of the Water Adjudication Project, and she has a good start on getting that project up and running and is developing a very detailed and user-friendly website for the public.

Anne Gondor covered the Agriculture Environmental Legal Issues Course reminding us that the overall purpose is to present a balanced view from the resource users' perspective and promote law as a career option to students working on degrees associated with agriculture, veterinary sciences,



and natural resource use. Seventeen industry experts spoke to the class on fourteen topics, and we very much appreciate the five NRULPC board who shared their expertise.



Michael Kotutwa Johnson, NRULPC Affiliated Faculty shared his vision of developing a Native American arm of the center to bring equity and recognition to natural resource problems. Working with more students is important and

he will have an intern help with research for papers on regenerative agriculture, renewable energy, fish and wildlife, forestry, biodiversity, and traditional ecological knowledge.

Pilar Thomas, a Professor of Practice at the University of Arizona law school and a partner in Quarles & Brady's Energy, Environment & Natural Resources Practice Group provided a thought-provoking presentation titled *Co-Management of Federal Lands with Tribal Participation*. The Secretaries of Agriculture and Interior issued a joint Secretarial order to promote co-management of Forest Service lands under the Secretary of Agriculture and BLM, Fish and Wildlife, and National Parks under Secretary of Interior. Each of the four major bureaus that are involved have their own set of guidance since they each have their own set of rules. Collaboration is key. Tribes may have interest in co-management of certain BLM and Forest Service lands to promote cultural and natural resource protection on Federal land. A key substantive issue is what exactly does co-management mean and how does it start to show itself? One area where this may play out is more mining for domesticating the clean energy supply chain which means more mining having impacts on tribes across the West and including tribes earlier in consultations. It is not clear how broad this co-management might be but will likely increase tribal consultation and collaboration earlier in the process than in management of Federal lands in the past when their contributions were often not considered until the public comment period.

(Note: If you are interested in further information on co-management, please see [\*Issue 8, December 2022\*](#) of the Regulatory Roundup.)

Tai Kreidler, Executive Director of the West Texas Historical Association and the Deputy Director of the Southwest Collection/Special Collections Library (SWC/SCL) at Texas Tech University (TTU) gave a presentation titled *Cowboys, Horse Soldiers, and College Kids – Playing Real Polo in the American*



*West*. Professor Kreidler described how in the 20<sup>th</sup> Century two college polo teams, one from the University of Arizona and the other from New Mexico Military Institute, burst onto the national scene and stole the limelight from the vaunted Ivy League and “Left Coast” powerhouses. New York and Long Island specifically are considered the birthplaces of American polo—the oldest sport. However, the first match may have been played in the west with cavalry, cowboy, ranching, and college teams serving as the fertile training ground for multiple generations of riders who came to the sport prepping horses for the east coast market. These rough-cut college “rubes” from the hinterland soon dominated what otherwise has been characterized as a “Yankee” sport. In the pre-World War II both UA and NMMI set the pace. During the post war period NMMI carried the torch forward winning a number of championships.

*(Note: Professor Kreidler is preparing an article on these polo teams and if anyone has anecdotes or photos, they can be sent to Professor Kreidler at [Tai.Kreidler@ttu.edu](mailto:Tai.Kreidler@ttu.edu).)*

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## ***New Resources on the NRULPC Website and Blog***

### **[Website](#)**

- [Regulatory Roundup](#) - newest issue to be released June 30, 2023

### **[Western Lands, Western Waters Blog](#)**

- [States Provide Communities with Environmental Justice Alternatives In Lieu of Federal Legislation](#)
- [Are Children's Constitutional Rights Cases the Solution to Climate Justice?](#)



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